

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
EVGENY RYZHOV,  
:

Plaintiff,  
:

-v-  
:

KONSTANTIN MALOFEYEV et al.,  
:

Defendants.  
:  
-----X

23-CV-1072 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

Defendant Tsargrad Media appears to be in default. Plaintiff shall file any motion for default judgment, in accordance with the Court’s Individual Rules and Practices for Civil Cases (available at <https://nysd.uscourts.gov/hon-jesse-m-furman>), **within three weeks of the date of this Order**. If or when a motion for default judgment is filed, the Court will enter a further Order setting a deadline for any opposition and reply and scheduling a show cause hearing. If no motion for default judgment is filed by the deadline set forth above, the case may be dismissed for failure to prosecute without further notice to the parties.

Plaintiff shall serve a copy of this Order on Defendant Tsargrad Media by **all of the means** approved by the Court as sufficient alternate service in its November 20, 2023 Order, ECF No. 53, at 3-4, **within four business days from the date of this Order** and shall file proof of such service **within six business days of the date of this Order**.


Additionally, in its Order denying Plaintiff’s motion for alternate service as to Defendant Malofeyev, the Court gave Plaintiff until January 26, 2024, to serve Malofeyev and cautioned that “[i]f he has not filed proof of service on Malofeyev by that date, the Court will dismiss the

claims against Malofeyev without further notice.” ECF No. 53, at 5. On January 18, 2024, Plaintiff filed what was styled as an affidavit of service upon Malofeyev, ECF No. 56, but the document filed appears to be a duplicate of Plaintiff’s Affidavit in support of a request for a Clerk’s Certificate of Default as to Tsargrad, filed separately at ECF No. 59. Assuming this was in error, Plaintiff shall file the correct affidavit of service upon Malofeyev **within two business days of this Order**. If he does not do so, or if the service attested to is insufficient, the Court will dismiss the claims against Malofeyev without further notice.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: January 30, 2024  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge